REMARKS AND ARGUMENTS

The Office Action dated April 3, 2009 has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 1 through 15 are pending in this application, with claims 1 and 13 being independent. No new matter is added.

Claim Objections

The April 3 Action objected to claim 1, alleging that the phrase "more particularly" should be deleted. Claim 1 has been amended to address this objection.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-4 and 6-15 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,368,796 (filed Mar. 1, 1979) to Patin ("Patin '83"). Applicant respectfully traverses this rejection.

Independent Claim 1

Claim 1 is not anticipated by Patin '83 because Patin '83 fails to disclose all of the features recited in claim 1. For example, Patin '83 at least fails to disclose the feature of claim 1 that "the tilting speed is a function, at least of the lateral sitting force and the speed of the vehicle, the tilting speed increasing with increasing lateral sitting force, with a factor that decreases with increasing vehicle speed." The April 3 Action does not identify any portion of Patin '83 that discloses or even suggests this feature. Furthermore, it appears that Patin '83, at best, discloses a vehicle that tilts by a factor that increases with increasing vehicle speed.

In the Summary of the Invention section at Column 1, lines 61 through 68, Patin '83 discloses that

> [t]he device in accordance with the invention comprises means of rocking and of maintaining the tilt of the body, operated by a driving shaft driven in rotation by the movement of the vehicle and comprising a rocking mechanism capable of being driven in two opposite directions by said driving shaft by means of one or other of two disengageable coupling means which operate the rocking.

This coupling between the drive shaft (e.g., driving shaft 22) and the rocking means (e.g., pinion 55 meshed with gear 56) results in a positive relationship between the speed of the vehicle and the speed of the rocking means. That is, as the speed of the vehicle increases, the speed of rotation of the driving shaft increases, and through the linkages illustrated in FIGS. 1, 2, and 5 the speed of the rocking increases. In further detail (see Patin '83, col. 4 ll. 6-44, col. 6 ll. 20-33), the driving shaft 22 drives the pinion 63, which drives either of the pinions 61 or 62 to rotate the secondary shaft 51. The rotation of the secondary shaft 51 drives pinion 52, which causes bevel gear 53 to rotate the shaft 54. As the shaft 54 rotates, the pinion 55 engages with the gear 56, causing the shaft 54 to displace and rock the body 1 with respect to the frame 31. Because the rocking of the vehicle is effected by the driving shaft, the tilting speed of the vehicle increases with increasing vehicle speed, contrary to the limitation recited in claim 1. As disclosesd in Applicant's specification, this type of tilting behavior is contrary to the titling behavior of conventional two-wheeled vehicles and "may lead to dangerous situations, particularly at high speeds where an excessive active interference with the vehicle's tilt is undesirable." Applicant's Specification, paragraph [0010].

Furthermore, at Column 9, lines 39 through 44, Patin '83 appears to disclose an alternative embodiment wherein

> [b]locking of the seat may possibly be effected either automatically when the speed drops below a given limit by means of an automatic system which likewise brings about blocking of the articulation, as has been described in the Patent already quoted, or at standstill by a device connected to the handbrake."

In other words, when the vehicle speed is reduced, the seat force does not affect the tilting at all since the seat is blocked and the seat can not cause any deviation of the axis of oscillation of the pendulum mass. Consequently, this embodiment of Patin '83 teaches that at low vehicle speeds, the tilting speed is not any function of the lateral

sitting force (i.e., there is no tilt response to a lateral sitting force), while at increasing vehicle speeds the factor linking the tilting speed with the lateral sitting force increases (i.e., becomes non-zero).

Patin '83 does not anticipate claim 1 at least because Patin '83 does not disclose that

> the means of detection are in operative connection with the means for lateral tilting, in such a way that the tilting speed is a function, at least of the lateral sitting force and the speed of the vehicle, the tilting speed increasing with increasing lateral sitting force, with a factor that decreases with increasing vehicle speed

as recited in claim 1. Furthermore, claim 1 is not obvious in light of Patin '83 at least because Patin '83 fails to even suggest the recited feature, instead disclosing an opposite relationship than that recited as preferred embodiments. Claims 2-4 and 6-12 depend from claim 1 and incorporate all of the limitations recited therein and not disclosed by Patin '83. Therefore, Patin '83 also fails to anticipate or render obvious these claims for at least this reason, in addition to the novel features that these claims recite individually. For at least these reasons, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

Independent Claim 13

Claim 13 is not anticipated by Patin '83 because Patin '83 fails to disclose all of the features recited in claim 13. For example, Patin '83 at least fails to disclose the feature of claim 13 that "the tilting speed is a function, at least of the size of the captured lateral sitting force and the captured velocity, and the tilting speed increases with increasing lateral sitting force, with a factor that decreases with increasing vehicle speed." As discussed above with regard to claim 1, it appears that Patin '83, at best, discloses a vehicle that tilts by a factor that increases with increasing vehicle speed. Therefore Patin '83 does not anticipate claim 13 at least because Patin '83 does not disclose this feature. Furthermore, claim 13 is not obvious in light of Patin '83 at least

because Patin '83 fails to even suggest the recited feature, instead disclosing an opposite relationship than that recited as preferred embodiments. Claims 14 and 15 depend from claim 13 and incorporate all of the limitations recited therein and not disclosed by Patin '83. Therefore, Patin '83 also fails to anticipate or render obvious these claims for at least this reason, in addition to the novel features that these claims recite individually. For at least these reasons, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a)

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable, by way of obviousness, over Patin '83 in view of U.S. Pat. No. 3,781,031 (filed Sep. 26, 1972) to Patin ("Patin '73"). Applicant respectfully traverses this rejection.

As discussed with regard to independent claim 1, Patin '83 fails to disclose all of the features recited in that claim, which are incorporated into claim 5 by its dependency on claim 1. For example, Patin '83 fails to teach or suggest the feature of claim 1 that "the tilting speed is a function, at least of the lateral sitting force and the speed of the vehicle, the tilting speed increasing with increasing lateral sitting force, with a factor that decreases with increasing vehicle speed." As discussed above, Patin '83 instead appears to teach an opposite relation between the vehicle speed and the tilting speed. Patin '73 fails to remedy this deficiency. Patin '73 does not appear to explicitly teach or suggest anything regarding a relationship between the vehicle speed and the tilting speed. For at least this reason, the combination of these references fails to disclose all of the features of claim 5, and therefore the April 3 Action fails to establish a prima facie case of obviousness. Further, neither of these references would even suggest the recited limitations and thus claim 5 is not rendered obvious by this combination of references. Accordingly, Applicant respectfully requests that this rejection under 35 U.S.C. § 103(a) be withdrawn.

In view of the above, all objections and rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for allowance and request that claims 1-15 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully subitted,

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Date

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